

AUG 05 2010

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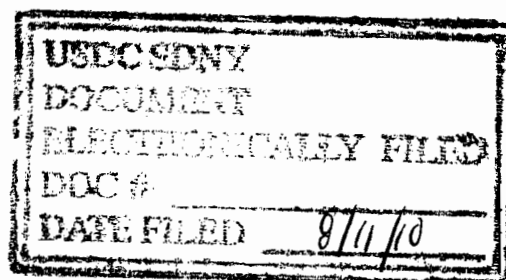
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MEMO ENDORSED

August 5, 2010

Via Facsimile

The Honorable Kevin N. Fox
United States Magistrate Judge
United States Courthouse
500 Pearl Street, Courtroom 20A
New York, NY 10007-1312



Re: *Fidelity Information Servs., Inc. v. Debtdomain GLMS Pte LTD., et al.*
Case No. 09-cv-07589 (LAK) (KNF)

Dear Magistrate Judge Fox:

We represent plaintiff Fidelity Information Services, Inc. ("Fidelity") in the above-referenced action, and write to briefly reply to Defendants' letter to Your Honor of today regarding the scheduling and location of Mr. Tai's deposition.

Your Honor scheduled a September 8, 2010 cut-off for GLMS discovery, which was cut back two to three weeks to accommodate Mr. Balber's trial schedule. September 8 is twenty (20) days after the latest date GLMS is making Mr. Tai available (i.e., August 17). Fidelity has no objection to moving out the September 8 date, if need be, to accommodate Mr. Balber's schedule further. Indeed, Mr. Tanck prepared and defended GLMS's 30(b)(6) witness, and may be the one preparing and defending Mr. Tai.

The August 17 date is too early, Fidelity submits, because:

- (i) Fidelity received 50,000 pages of documents on August 2, and will not have had a sufficient opportunity to review it for either completeness or substance;
- (ii) Fidelity just received another 12,000 pages of documents this afternoon, which we have not yet had a chance to even load into our system as of the time of this letter;

Hon. Kevin N. Fox

August 5, 2010

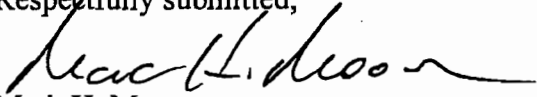
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- (iii) Fidelity has not yet received documents from Mr. Viner (see Fidelity's July 30 letter to Your Honor);
- (iv) Fidelity has not yet received documents relating to the Rothman native document that was ordered produced by Your Honor on July 28;
- (v) Fidelity has not yet received responses and/or objections to written discovery addressed to GLMS.

Finally, regarding the place of deposition, Mr. Tai should not benefit from the gamesmanship he and counsel played in proffering Ms. Kinsella -- who knew next to nothing and was not properly prepared by Mr. Tai and counsel -- the first time around. In light of (i) the time and money (including seven thousand dollars in out of pocket expenses alone) wasted in traveling to London for Ms. Kinsella's 30(b)(6) deposition, and (ii) the "very, very close call" in not awarding sanctions to Fidelity for GLMS complying just "barely with the requirements of 30(b)(6) (see July 28 Transcript at 37), Fidelity respectfully requests that the Court order Mr. Tai to appear for his deposition in New York, on a date in September that is mutually convenient for the witness and counsel for the parties. Indeed, the Court instructed GLMS's counsel to have Mr. Tai "check for flight schedules between now and September in case he has to come to New York." (July 28 Transcript at 43.) GLMS and its counsel declined to do so following the July 28 conference.

Thank you for your consideration.

Respectfully submitted,

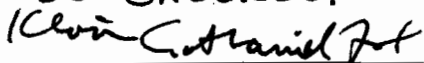

Mark H. Moore

cc: Scott S. Balber, Esq.

8/11/10

The deposition of Sean Tai shall be held in London, on or before September 8, 2010. If the parties are unable to agree upon a mutually convenient date for the deposition, they shall notify the Court immediately and the Court will fix a date for the deposition.

SO ORDERED:



KEVIN NATHANIEL FOX, U.S.M.J.